

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

## **ORDER**

Defendants' Motions to Dismiss for lack of subject matter jurisdiction (Docs. 5 and 15) are GRANTED.

In order for this Court to exercise diversity jurisdiction, all Defendants and all Plaintiffs must be residents of different states. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365, 373 (1978). “Complete diversity requires that, in cases with multiple plaintiffs or multiple defendants, no plaintiff be a citizen of the same state as any defendant.” Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 419 (3d Cir. 2010).

The Plaintiff alleges in paragraph 1 of the Complaint that the Plaintiff and Defendant, Hi-Def Contracting, are *both* citizens of Pennsylvania. (Doc. 1). Accordingly, there is not complete diversity. Consequently, there is no subject matter jurisdiction under 28 U.S.C. § 1332 and the case is dismissed for lack of jurisdiction.

IT IS SO ORDERED.

April 12, 2016

s\Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record